

FLYNN
Appl. No. 10/715,368
December 18, 2006

REMARKS/ARGUMENTS

Claims 1-10 stand rejected in the outstanding Official Action. However, claims 1-11 were presented in the Amendment filed June 27, 2006 and therefore Applicant questions the status of previously written independent claim 11. Applicant has amended claim 6 and therefore claims 1-11 remain in this application.

On page 2, section 1 of the outstanding Official Action, the Examiner correctly objects to line 10 of claim 6 which recited "said said" and this typographical error has been corrected in the above amendment.

In view of the Examiner's verbatim repetition of his basis for rejection of claims 1-10, Applicant herein incorporates by reference the traversal and all arguments relating thereto of the rejection of claims 1-10 contained in the Amendment dated June 27, 2006.

On page 2, section 2 through page 5, the Examiner essentially restates the rejection of claims 1-10, but ignores newly written claim 11. Applicant inquires as to whether claim 11 has been allowed or whether it was intended to be included in the rejection of claims 1-10 under 35 USC §102. Clarification of the status and statutory basis for any future rejection of claim 11 is respectfully requested.

Also, in the rejection of claims 1-10 under 35 USC §102, the Examiner appears to have incorporated the subject matter of the previous Official Action verbatim and this is believed to contain no response to the points and arguments set out in Applicant's Amendment filed June 27, 2006.

The only portion of the Final Rejection which appears to respond to Applicant's previously submitted remarks is "section 2" on page 6 of the Final Rejection which is entitled

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"Response to Arguments." The Examiner does not dispute that Applicant's independent claim 1 specifies that the "at least one further circuit" responds to a change "from a first desired data processing performance level to a second desired data processing performance level."

Applicant's claim also recites that "said at least one further circuit supports data processing at at least one intermediate data processing performance level."

The Examiner now alleges that the Cooper reference discloses that in one embodiment the "performance level change the processor is in a relatively quiescent state by intercepting all interrupts" and cites column 5, lines 27-29. However, the actual quote from Cooper is "in one embodiment, performance control logic 16 ensures that processor 12 is in a relatively quiescent state by intercepting all interrupts."

The definition of the word "quiescent" is well known to those of ordinary skill in the art and Applicant includes herewith a photocopy of page 967 from *Webster's Ninth New Collegiate Dictionary* which defines "quiescent" as "marked by inactivity or repose: tranquilly at rest."

Claim 1 specifies first and second desired data processing performance levels, i.e., these are levels at which data processing is occurring. The claim further specifies "**at least one intermediate data processing performance level**" (emphasis added) which is clearly a data processing level intermediate the first and second data processing performance levels. Accordingly, even if one of the first and second desired data processing performance levels were zero (assuming that "zero" is in fact a processing level, even though no processing is taking place) the intermediate data processing performance level (intermediate the first and second levels) could not possibly be considered zero.

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Thus, the claim of an "intermediate data processing level" ensures that the data processor is not quiescent or at rest as the Examiner concludes the Cooper reference teaches. Moreover, Cooper is clearly quiescent by "intercepting all interrupts." Thus, Cooper, in teaching data processing "quiescence" would clearly lead one of ordinary skill in the art away from Applicant's claimed "intermediate" processing performance level between the specified first and second data processing performance levels.

As a result, the Examiner has either ignored the distinctions set forth in the June 27, 2006 Amendment or believes that the term "relatively quiescent" somehow teaches an intermediate data processing performance level which is "intermediate" first and second desired data processing performance levels. Should the Examiner believe this is the meaning of "quiescent" by those of ordinary skill in the art, he is respectfully requested to point out how or why he believes there is any support for such meaning, especially in view of the attached dictionary definition of "quiescent."

Absent making of record any contrary definition to the word "quiescent," the Examiner's allegation that Cooper provides any teaching of a processor operating "at an intermediate performance level" is simply unsupported by the facts. Indeed Cooper, in teaching quiescence, would appear to teach away from Applicant's claimed combination of elements. Therefore, any further rejection of claims 1-10 under 35 USC §102 as being anticipated by Cooper is respectfully traversed.

Entry of the Amendment Under the Provisions of Rule 116

Entry of the above amendment pursuant to the provisions of Rule 116 is respectfully requested. The above amendment merely corrects an objection to claim 6 based upon a

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typographical error in the previous amendment to claim 6. The correction of this typographical error does not change the scope of claim 6 and therefore cannot require further consideration and/or search. This amendment to claim 6 does place claim 6 and the remaining claims in proper condition for appeal should an appeal be necessary. Further, this amendment does not add any additional claims to the application. Accordingly, entry of the amendment under Rule 116 is respectfully requested.

Another reason for entering this amendment is to require an Advisory Action which clarifies the Examiner's position regarding previously submitted claim 11 which recites the at least one further circuit as including "means for supporting data processing at at least one intermediate data processing performance level." Applicant utilized means-plus-function language which will have a different claim construction scope from that set out in independent claim 1.

Accordingly, entry of the above amendment pursuant to the provisions of 37 CFR 1.116 as well as an Advisory Action confirming such entry and the disposition of Applicant's previously submitted claim 11 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Final Rejection, it is submitted that claims 1-11 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

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Respectfully submitted,

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1: a braid of hair waiting line esp. of arrange or form in ten used with up —

ig) v (1656) 1 a of an argument by ibbies — quibbler

1: an evasion of ticium
of kuchen cake, fr. reaped custard pie or ham)
fr. *loraine*, fem. of g cheese and crisp

ON kvikr living, L
1: archaic: not g with speed: as a mentally agile (a ~ th speed and keen ~ion of events) (2) ~look c: marked ~ment (walked with ~response) (too ~ to prepared Ca ~ and ~NING. FLOWING b ~LOWING & ody a ~: having a sharp ~ness n
id without delay or ~sses instance of re ~n acquired power ~MPT is more likely ~r instant response ~atus — F. H. Gar ~e (reading maketh ~nt) ~t stresses the ~t, or a strong c (an apt student) ~dition EAST
ib. of Scand origin; ~a painfully sensi ~mal or toentail) b ~ark) c: the very

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2 agent (as baking ng of the dough or

rin) v (14c) 1 a ~ed: STIMULATE 2 ~sely 3: to make 4: a: to make (a

quid n [E dial., cud. fr. ME *quide*, fr. OE *cwidu* — more at *cud*] (1727)
: a cut or wad of something chewable
quid-dity \ˈkwɪd-ɪ-ti/ n. pl. -ties [ML *quidditas* essence, fr. L *quid* what, neut. of *quis* who — more at *who*] (1539) 1 a: a trifling point
: QUIBBLE b: CROCHET. ECCENTRICITY 2: whatever makes something to be of the type that it is: ESSENCE
quid-dune \ˈkwɪd-ˌdʊn/ n [L *quid* *quid* what now?] (1709) : one who seeks to know all the latest news or gossip: STYRBOUY
quid pro quo \ˈkwɪd-ˌprɒ-ˈkwɔ/ n [NL something for something] (1539)
: something given or received for something else
quiescence \ˈkwɪ-ˌsɛn-(t)s, -kwɛ-/ n (1631) : the quality or state of being quiescent
quiescent \-ˈnt/ adj [L *quiescent*, *quiescens*, prp. of *quiescere* to become quiet, rest. fr. *quies*] (1605) 1: marked by inactivity or repose: tranquility at rest 2: causing no trouble or symptoms (~ gallstones) *syn* see LATENT — *quiescently* adv
quiet \ˈkwɪ-ət/ n [ME, fr. L *quies*, *quies* rest, quiet — more at *while*] (14c) : the quality or state of being quiet: TRANQUILLITY — *on the quiet*: in a secretive manner
quiet adj [ME, fr. MF, fr. L *quies*, fr. pp. of *quiescere*] (14c) 1 a: marked by little or no motion or activity: CALM (a ~ sea) b: GEN. TLE. EASYGOING (a ~ temperament) c: not interfered with (~ reading) d: enjoyed in peace and relaxation (a ~ cup of tea) 2 a: free from noise or uproar: STILL b: UNOBTURBATE. CONSERVATIVE (~ clothes) 3: SECLUDED (a ~ nook) — *qui-et-ly* adv — *qui-et-ness* n
quiet adv (1733) : in a quiet manner (a quiet-running engine)
quiet vb [LL *quietare* to set free, to calm, fr. L *quies*] v (1326) 1: to cause to be quiet: CALM 2: to make secure by freeing from dispute or question (~ title to a property) ~ vi: to become quiet — *usu.* used with down — *qui-eter* n
qui-et-ed \ˈkwɪ-ət-əd/ vb qui-et-ased; qui-et-en-ing \-ət-nɪŋ, -n-ɪŋ/ chlefy Brit (ca. 1828) : QUIET
quiescent \ˈkwɪ-ət-ɪt-ɪ-əm/ n (1687) 1 a: a system of religious mysticism teaching that perfection and spiritual peace are attained by annihilation of the will and passive absorption in contemplation of God and divine things b: a passive withdrawn attitude or policy toward the world or worldly affairs 2: a state of calmness or passivity — *qui-et-ist* \-et-ist/ adj or n — *qui-et-ist-ic* \ˈkwɪ-ət-ɪs-tɪk/ adj
quiescence \ˈkwɪ-ət-ɪ-sɛn-(t)s/ n [ME, fr. LL *quiescentia*, fr. L *quies*] (1507)
: a quiet state: REPOSE
quiescent \ˈkwɪ-ət-ɪt-ɪ-əm/ n [ME *quiescent* est. fr. ML, he is quit, formula of discharge from obligation] (1540) 1: final settlement (as of a debt) 2: removal from activity; esp.: DEATH 3: something that quiets or represses
quill \ˈkwɪl/ n [origin unknown] Brit (ca. 1890) : a prominent forelock
quill \ˈkwɪl/ n [ME *quill* hollow reed, bobbin; akin to MHG *kuil* large feather] (15c) 1 a (1): a bobbin, spool, or spindle on which filling yarn is wound (2): a hollow shaft often surrounding another shaft and used in various mechanical devices b: a roll of dried bark (cinna-mon ~) 2 a (1): the hollow horny barrel of a feather (2): FEATHER: esp. one of the large stiff feathers of the wing or tail b: one of the hollow sharp spines of a porcupine or hedgehog 3: something made from or resembling the quill of a feather; esp.: a pen for writing 4: a float for a fishing line
quill v (1783) 1: to pierce with quills 2 a: to wind (thread or yarn) on a quill b: to make a series of small rounded ridges in (cloth)
quill-back \ˈkwɪl-bak/ n. pl. quillbacks or quillbacks (ca. 1882) : any of several suckers; esp.: a small fish (*Carpiodes cyprinus*) of central and eastern N. America that has the first ray of the dorsal fin much longer

qui-nua \ˈki-ˈnɔ-ə/ n [Sp. fr. Quechua *quinoa*] (1625) : a pigweed (*Chenopodium quinoa*) of the high Andes whose seeds are ground and widely used as food in Peru

quin-o-line \ˈkwɪn-ˈlɪn/ n [ISV *quin* + -ol + -ine] (1845) 1: a pungent oily nitrogenous base C₁₀H₇N that is obtained usu. by distillation of coal tar or by synthesis from aniline and is the parent compound of many alkaloids, drugs, and dyes 2: a derivative of quinoline

quin-one \ˈkwɪn-ən, -ˈwɪn-/ n [ISV *quinine* + -one] (1853) 1: either of two isomeric cyclic crystalline compounds C₁₀H₆O₂ that are di-keto derivatives of dihydro-benzene 2: any of various usu. yellow, orange, or red quinonoid compounds including several that are biologically important as coenzymes, hydrogen acceptors, or vitamins

quin-o-noid \ˈkwɪn-ˈɒ-nɔɪd, -ˈwɪn-/ or quin-oid \ˈkwɪn-ˈɔɪd/ adj (1878)
: resembling quinone esp. in having a benzene nucleus containing two double bonds within the nucleus

quin-quage-si-ma \ˈkwɪn-ˌkɔ-ˈjɛs-ə-mə, -ˈjɑ-ˌzə-/ n [ML, fr. L, fem. of *quinquagesimus* fiftieth, fr. *quinquaginta* fifty, fr. *quinque* + -*ginta* (akin to *viginti* twenty — more at *VIGINTI*)] (14c) : fr. its being approximately 50 days before Easter] (14c) : the Sunday before Lent

quinque- or quinqu- comb form [L, fr. *quinque* — more at *five*] : five (*quinquelotiate*)

quin-quennial \ˈkwɪn-ˌkwen-ɪ-əl, -kwɪŋ-/ adj (15c) 1: consisting of or lasting for five years 2: occurring or being done every five years — *quin-quennially* adv

quin-quen-ial-um \ˈkwɪn-ˌkwɛn-ɪ-əl/ n. pl. -ia \-i-ə/ [L, fr. *quinque* + -*quenn-ial-um* (-*quenn-ial-um*)] (1621) : a period of five years

quin-quu-va-lent \ˈkwɪn-ˌkwɪ-ˈvɑ-lənt/ adj (1877) : PENTAVALENT

quinsy \ˈkwɪn-zɪ/ n [ME *quinsie*, fr. MF *quinsie*, fr. LL *cynancha*, fr. Gk *kynanchē*, fr. *kyn-* *kyōn* dog + *anchēn* to strangle — more at *HOUND*, *ANGER*] (14c) : a severe inflammation of the throat or adjacent parts with swelling and fever

quint \ˈkwɪnt/ n (1935) : QUINTUPLET

quintain \ˈkwɪnt-ən/ n [ME *quintaina*, fr. MF, fr. L *quintana* street in a Roman camp separating the fifth castrum from the sixth where military exercises were performed, fr. fem. of *quintanus* fifth in rank, fr. *quintus* fifth] (15c) : an object to be tilted at: esp.: a post with a revolving crosspiece that has a target at one end and a sandbag at the other end

quintal \ˈkwɪnt-əl, -ˈkɑnt-/ n [ME, fr. MF, fr. ML *quintale*, fr. *At aintar*, fr. LGk *kwintation*, fr. LL *centenarium*, fr. L, neut. of *centenarius* consisting of a hundred — more at *CENTENARY*] (13c) 1: HUNDRED-WEIGHT 2: a unit of weight equal to 100 kilograms (about 220.46 pounds)

quint-ess-ence \ˈkwɪn-ˌtɛs-ɪ-(t)s/ n [ME, fr. MF *quintie* essence, fr. ML *quinta essentia*, lit., fifth essence] (15c) 1: the fifth and highest element in ancient and medieval philosophy that permeates all nature and is the substance composing the celestial bodies 2: the essence of a thing in its purest and most concentrated form 3: the most typical example or representative — *quint-ess-ent-ial* \ˈkwɪnt-ɪ-ˈsɛn-ʃəl/ adj

quintet also quint-ette \ˈkwɪn-ˌtɛt/ n [quintet fr. It *quintetto*, fr. *quinto* fifth, fr. L *quintus*; *quintette* fr. F, fr. It *quintetto*] (1792) 1: a musical composition or movement for five instruments or voices 2: a group or set of five; as a: the performers of a quintet b: a basketball team

quintile \ˈkwɪnt-ɪl/ adj [L *quintus* fifth] (1833) : of the fifth degree
quintic n (1856) : a polynomial or a polynomial equation of the fifth degree

quintile \ˈkwɪn-ˌtɪl/ n [L *quintus* + E *-ile*] (ca. 1928) : any of the four values that divide the items of a frequency distribution into five classes
quint-til-lion \ˈkwɪn-ˌtɪl-ɪ-ən/ n [L *quintus* + E *-illion* (as in *million*)] (ca.